

EXHIBIT 07

Trial Tr. 07 18 18 AM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUTH V. BRIGGS, .
 . Case No. 1:15-cv-00902-LS
Plaintiff, .
 .
vs. . 601 Market Street
 . Philadelphia, Pennsylvania 19106
 . July 18, 2018
 .
TEMPLE UNIVERSITY, .
 .
Defendants. .

.
TRANSCRIPT OF TRIAL
DAY 3 - A.M. SESSION
BEFORE THE HONORABLE ROBERT F. KELLY
UNITED STATES DISTRICT JUDGE
AND A JURY

APPEARANCES:

For the Plaintiff: Laura Carlin Mattiacci, Esq.
Stephen G. Console, Esq.
Rahul Munshi, Esq.
CONSOLE MATTIACCI LAW, LLC
1525 Locust Street
Philadelphia, Pennsylvania 19102

For the Defendant: Richard R. Harris, Esq.
Rachel Fendell Satinsky, Esq.
LITTLER MENDELSON, PC
1601 Cherry Street, Suite 1400
Philadelphia, Pennsylvania 19102

Audio Operator: Electronically Recorded
by Court Personnel

Transcription Company: JDR Acquisition, LLC./
Advanced Transcription
1880 John F. Kennedy Boulevard
6th Floor
Philadelphia, Pennsylvania 19103
(855)204-8184

Proceedings recorded by electronic sound recording,
transcript produced by transcription service.

1 A He was part of the decision. He talked with me. I
2 counseled with him. But he ultimately, along with Dr. Wu,
3 made that decision.

4 Q Okay. Did you approve the decision?

5 A Yes, I did.

6 Q So you'd agree with me that Mr. Wacker was not a neutral
7 investigator because he was also the person that decided to
8 terminate her, correct?

9 A No, I wouldn't agree. I would say that he was a neutral
10 investigator. Yes.

11 Q You're aware that Ms. Briggs received a disciplinary
12 action in January of 2014, correct?

13 A Yes.

14 Q And that was for being late in the morning, correct?

15 A That was for being late and to reporting it properly,
16 not calling out properly.

17 Q Okay. If you could turn to P-30 in your document?

18 Okay. Do you recognize this as the January 20th, 2014
19 writeup for being late?

20 A Yes, I do.

21 Q And she received a written warning?

22 A Yes.

23 Q A violation of Work Rules 8, 10 -- I'm sorry, B(10) down
24 there?

25 A Yes.

1 Q And it says:

2 "Inefficiency, failing to meet expected standards
3 of performance or productivity or efficiency."

4 Correct?

5 A Yes, it does.

6 Q Now, you never knew Ms. Briggs for being late before
7 this January 20th writeup, correct?

8 A I never knew her to be disciplined, but I was aware that
9 she was late. She had been late to work many times. Excuse
10 me.

11 Q Okay.

12 MS. MATTIACCI: May I approach the witness, Your
13 Honor, with her deposition?

14 THE COURT: Yes.

15 BY MS. MATTIACCI:

16 Q Oh, good. You already have one.

17 If you can turn to -- I'm sorry -- P-70, please -- Page
18 70? You have it there?

19 A Page 70. Yes.

20 Q Okay. Okay.

21 Do you see Page 70, Line 11 at the top? Sorry.

22 Did you give any sort of recommendation with regard to
23 this discipline, P-18, which is what we're looking at right
24 now? That was the Deposition Exhibit P-18, but the January
25 20th writeup that we were just looking at, correct?

1 Q -- or whether she currently had access?

2 A The night in question.

3 Q So they were able to provide you with some sort of
4 documented proof that she did have access to the system on
5 the night in question?

6 A Again, they -- I can't say they gave me a document or
7 anything. All I can say is I called a person who's
8 responsible for that, that can look into the system and they
9 looked and said, she has access.

10 Q This was an issue that led to the termination of her
11 employment, correct?

12 A It's one of the things that led to her --

13 Q One of the two things that are on the bullet point for
14 her termination letter, correct?

15 A Yes.

16 Q So wouldn't you want to get the documented proof from
17 that person that she in fact did have access that night?

18 A I guess I should have gotten the documented proof, but
19 talking to them on the phone, having them verify was -- was
20 sufficient for me.

21 Q Now, I'm looking still at P-38. This is Ruth Briggs'
22 response to you.

23 "Deirdre, I do not know how to respond to this
24 email. I am drowning here and have reached out to
25 you numerous times and waited and waited. This is

1 me the things that went on in the office. And then he was
2 sent down there to help Dr. Wu and to help Ms. Briggs.

3 Q My question was, did he do a full and thorough
4 investigation of the complaints of discrimination?

5 A That's not his job.

6 Q Okay. Do you know of anyone who did a full, complete
7 and thorough investigation into Ms. Briggs' complaints of
8 discrimination?

9 A Again, Ms. Briggs did not complain specifically to me of
10 being discriminated against. I know that she had talked to
11 Sandra Foehl. I don't know what took place in those
12 conversations.

13 Q Okay. So then let's go on to P-50. This is an email
14 exchange between you and Sandy Foehl on April 4th, 2014 which
15 is three days after Ms. Briggs is terminated, correct?

16 A Yes.

17 Q And at the bottom --

18 (Participants confer)

19 Q You say to her -- let me get the date. I'm sorry.

20 On April 4th, 2014, you write to Sandy Foehl --

21 MS. SATINSKY: Objection, Your Honor. This is not
22 from Sandy Foehl to Ms. Walton. This is from Sandy Foehl to
23 Ms. Walton, not from Ms. Walton to Sandy Foehl.

24 MS. MATTIACCI: I'm sorry. I misspoke that. I'm
25 sorry.

1 -- she was suspended for a C violation. And then this
2 occurred, the written letter. So she was disciplined -- she
3 was terminated for -- or she was given the option to resign,
4 but she would have been terminated for the C(4).

5 Q All right. Let's look at what C(4) says. C(4) is
6 negligence/carelessness.

7 "Neglecting job duties or responsibilities or
8 failing to carry out instructions given by
9 supervision, performing negligent or careless acts
10 during work time or on -- or on or with Temple
11 properties."

12 You see that?

13 A Yes.

14 Q So that basically applies to any mistake that any
15 employee makes at any time at Temple.

16 A Yes.

17 Q And if you -- so there -- under Temple's policy, you
18 make two mistakes in a year, you're terminated.

19 A Well, no. It -- it has to do with the level of the
20 mistake and the seriousness of the mistake. And, again, Ms.
21 Briggs was disciplined for the initial travel mistake that
22 she made, which was pretty serious, and then again she made
23 another mistake regarding travel arrangements.

24 Q Would you agree with me that one of the reasons that
25 professors are attracted to come to Temple is the fact that

1 A I think all levels.

2 Q So, Ms. Walton, you testified what this discipline
3 related to, is that correct?

4 A Yes.

5 Q The candidate who was coming to interview, would he have
6 brought students with him?

7 A My understanding, yes. He would have brought students
8 and money to the University.

9 Q Is that something the University takes lightly?

10 A No, that was something that was very important to the
11 College of Science Technology and the University.

12 Q Can you explain why you felt that Ms. Briggs errors here
13 necessitated a Category C violation as opposed to a different
14 category?

15 A This responsibility was one of Ms. Briggs' essential
16 functions, so this is something that she does. And the fact
17 that we had a faculty member, prestigious faculty member --
18 or I'm sorry; not faculty member, but a candidate for a
19 faculty position coming to the University and was bringing
20 monies as well as students and we ultimately lost this
21 candidate. They never came.

22 I thought that was a C -- I felt it was negligence,
23 Because she did not perform her job responsibilities. So, it
24 wasn't that -- it didn't fall into the category inefficiency
25 because it wasn't just something that she just didn't do

1 well. It was something she completely neglected and she did
2 not provide the travel arrangements for this individual.

3 MS. SATINSKY: If you could please pull up Exhibit
4 D-5, and the fourth page marked Temple 152?

5 BY MS. SATINSKY:

6 Q Ms. Briggs [sic], I want to direct you down to -- I'm
7 sorry; Ms. Walton. I apologize.

8 A That's okay.

9 Q To you and to Ms. Briggs.

10 Ms. Walton, if you go down to disciplinary procedure at
11 the bottom.

12 A Yes.

13 Q Counsel asked you some questions about this paragraph,
14 is that correct?

15 A Yes, she did.

16 Q Can you read the last sentence of this disciplinary
17 procedure?

18 A "Repeated violations of work rules within a
19 specific category over a 12-month period will lead
20 to the next step in the progressive discipline
21 process."

22 Q Can you explain what that means?

23 A So, what that means is that within a one-year period if
24 the person violates a work rule in that same category that
25 the person will be violated for the -- will be --I'm sorry --